

311.637 Withholding or withdrawal of life-prolonging treatment under KRS 311.621 to 311.643 not to constitute suicide -- Effect on insurance or health care coverage -- Directives made outside KRS 311.621 to 311.643.

- (1) The withholding or withdrawal of life-prolonging treatment or artificially provided nutrition and hydration from a grantor in accordance with the provisions of KRS 311.621 to 311.643 shall not, for any purpose, constitute a suicide. The making of an advance directive under KRS 311.621 to 311.629, a medical order for scope of treatment under KRS 311.6225, or a health care decision by a responsible party under KRS 311.621 to 311.643 shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be considered to modify the terms of an existing policy of life insurance. Notwithstanding any term of the policy to the contrary, no policy of life insurance shall be legally impaired or invalidated in any manner by a health care decision made by a surrogate or responsible party or by the withholding or withdrawal from an insured patient any medical procedure or intervention which would serve only to prolong artificially the dying process.
- (2) No person, corporation, or governmental agency shall require or induce any person to execute a living will directive or a medical order for scope of treatment under KRS 311.6225, or to make a health care decision as a responsible party under KRS 311.621 to 311.643, as a condition for a contract or for the provision of any service, medical treatment, or benefit.
- (3) Nothing in KRS 311.621 to 311.643 shall be construed to impose any liability on a surrogate or responsible party for any expenses of the grantor for which the surrogate or responsible party would not otherwise have been liable.
- (4) KRS 311.621 to 311.643 shall not create a presumption concerning the intention of an adult who has revoked or has not executed an advance directive or a medical order for scope of treatment under KRS 311.6225, with respect to the use, withholding, or withdrawal of life-prolonging treatment if a terminal condition exists.
- (5) KRS 311.621 to 311.643 shall not affect the common law or statutory right of an adult to make decisions regarding the use of life-prolonging treatment, so long as the adult is able to do so, or impair or supersede any common law or statutory right that an adult has to effect the withholding or withdrawing of medical care.
- (6) KRS 311.621 to 311.643 shall not preclude or restrict the right of persons to make advance directives outside the provisions of KRS 311.621 to 311.643; and KRS 311.621 to 311.643 shall not restrict or preclude medical personnel, physicians, nurses, or health care facilities from following other written advance directives consistent with accepted medical practice.

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History: Amended 2015 Ky. Acts ch. 3, sec. 5, effective June 24, 2015. -- Created 1994 Ky. Acts ch. 235, sec. 9, effective July 15, 1994.